

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Applicant: Eric David Moher	Group Art Unit: 1624
Serial No.: 10/516,559	Examiner: Noble E. Jarrell
Application Date: June 6, 2003	Conf No.: 7051
US Nat'l Entry Date (if applicable): November 30, 2004	
For: Prodrugs of Excitatory Amino Acids	
Docket No.: X-14978M	

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

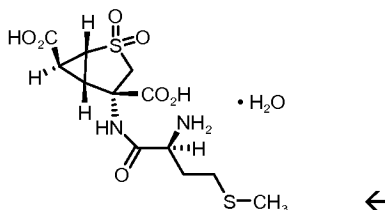
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office has indicated in its statement of reasons for the indication of allowable subject matter that Massey et al. (US 5,688,826, issued November 18, 1997, see STN search done on August 6, 2007) reports the closest prior art. The Office then states that "[n]either of the structures reported by STN anticipates claims 52 and 53 because the side chain is NH₂, not aminobutanoyl, which is seen to be the limitation in the claims which is not taught or fairly suggested by the prior art."

Applicants respectfully submit that the present claims involve, at minimum, (1*R*,4*S*,5*S*,6*S*)-4-(2'*S*-4'-methylthio-2'-aminobutanonyl)amino-2,2-dioxo-2λ⁶-thia-bicyclo[3.1.0]hexane-4,6-dicarboxylic acid and (1*R*,4*S*,5*S*,6*S*)-4-(2'*S*-4'-methylthio-2'-aminobutanonyl)amino-2,2-dioxo-2λ⁶-thia-bicyclo[3.1.0]hexane-4,6-dicarboxylic acid monohydrate, wherein the underlined text pertains to the methionine moiety.

Furthermore, the structure for said compounds in the present application, as provided, for example, by Example 41 is



Serial No. 10/516559

wherein the methionine moiety is noted by the arrow (←) located next to the structure.

Applicants also respectfully note that Claims 52 and 53, not 52 and 52, are allowed.

Respectfully submitted,

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